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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 THUY NGUYEN,

10 Petitioner,

11 v.

12 JEFFERSON SESSIONS, et al.,

13 Respondents.

Case No. C17-0926-JCC-MAT

ORDER WITHDRAWING REPORT  
AND RECOMMENDATION AND  
DIRECTING RETURN AND STATUS  
REPORT, § 2241 PETITION

14 Petitioner initiated this 28 U.S.C. § 2241 action by filing an application to proceed *in forma*  
15 *pauperis* (“IFP”), a proposed habeas petition challenging his detention by U.S. Immigration and  
16 Customs Enforcement (“ICE”), a motion to appoint counsel, and a letter of support from the Office  
17 of the Federal Public Defender. On June 22, 2017, the Court issued a Report and Recommendation  
18 recommending that petitioner’s IFP application be denied. (Dkt. 4.) The same day, petitioner paid  
19 the filing fee. Based on the foregoing, the Court ORDERS:

20 (1) The Report and Recommendation regarding petitioner’s IFP application (Dkt. 4) is  
21 WITHDRAWN as moot.

22 (2) If not previously accomplished, electronic posting of this Order and petitioner’s §  
23 2241 habeas petition shall effect service upon the United States Attorney of the petition and all

ORDER WITHDRAWING REPORT AND  
RECOMMENDATION AND DIRECTING  
RETURN AND STATUS REPORT, § 2241  
PETITION - 1

1 supporting documents. Service upon the United States Attorney is deemed to be service upon the  
2 Secretary of Homeland Security, the Seattle Field Office Director for ICE, the Warden of the  
3 Northwest Detention Center, and ICE.

4 (3) **Within 30 days of the date this Order is posted**, respondent(s) shall show cause  
5 why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. §  
6 2243. As a part of such return, respondent(s) shall address and submit evidence relevant to  
7 petitioner's allegation that his detention is unlawful because ICE is unable to effectuate his  
8 removal in the reasonably foreseeable future. Respondent(s) shall file the return with the Clerk of  
9 the Court and shall serve a copy upon petitioner.

10 (4) The return will be treated in accordance with LCR 7. Accordingly, on the face of  
11 the return, respondent(s) shall note it for consideration on the fourth Friday after it is filed, and the  
12 Clerk shall note the return accordingly. Petitioner may file and serve a response not later than the  
13 Monday immediately preceding the Friday appointed for consideration of the matter, and  
14 respondent(s) may file and serve a reply brief not later than the Friday designated for consideration  
15 of the matter.

16 (5) If petitioner's custody status changes at any point during this litigation,  
17 **respondent(s) shall file a status update with the Court as soon as possible and no later than**  
18 **14 days after the change.**

19 (6) The Clerk is directed to send copies of this Order to petitioner, the Federal Public  
20 Defender, and the Honorable John C. Coughenour.

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1 Dated this 28th day of June, 2017.

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4 Mary Alice Theiler  
United States Magistrate Judge